

REJECTION OF CLAIMS 1, 17, 18, 20, 21, 35, 51, 52, 55, 65,  
66 AND 68 UNDER 35 U.S.C. 101

The Examiner rejected Claims 1, 17, 18, 20, 21, 35, 51, 52, 55, 65, 66 and 68 under 35 U.S.C. 101.

Applicant has cancelled Claims 16 and 50, without prejudice. Applicant has amended Claims 1, 17, 18, 20, 21, 35, 51, 52, 54, 55, 65, 66 and 68.

Support for the amendments to Claims 1, 17, 18, 20, 21, 35, 51, 52, 54, 55, 65, 66 and 68 is found, for example, in: Claims 16 and 50 as filed; paragraphs [0018] and [0019] at pages 14 and 15 of Applicant's Specification; and Applicant's FIG.6 as filed.

In light of the Amendments to Claims 1, 17, 18, 20, 35, 51, 52, 54, 55, 65, 66 and 68, Applicant respectfully requests the Examiner withdraw the rejection of Claims 1 to 15 and 17 to 68 under 35 U.S.C. 101.

The Examiner further rejected Claim 21 as being software only. Applicant respectfully traverses the non-statutory subject matter rejection of Claim 21.

To make a *prima facie* non-statutory subject matter rejection, the MPEP directs:

Office personnel have the burden to establish a *prima facie* case that the claimed invention as a whole is directed to solely an abstract idea or to manipulation of abstract ideas or does not produce a useful result. Only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under 35 U.S.C. 101. ... Further, when such a rejection is made, Office personnel must expressly state how the language of the claims has been interpreted to support the rejection.

MPEP, §2106, 8th Ed., Rev. 2, p. 2100-7 (May 2004). It is noted that this directive stated only if "...the claimed invention as a whole is directed to solely an abstract idea or to manipulation of abstract ideas . . . should it be rejected [emphasis added].". Accordingly, failure to adhere to the

REMARKS

Claims 1 to 68 were pending in the Application at the time of examination. The Examiner rejected Claims 1 to 15 and 17 to 68 under 35 U.S.C. 112, second paragraph. The Examiner rejected Claims 1, 17, 18, 20, 21, 35, 51, 52, 55, 65, 66 and 68 under 35 U.S.C. 101. The Examiner indicated Claims 1 to 68 would be allowable if amended to overcome the 35 U.S.C. 112, second paragraph and 35 U.S.C. 101 rejections.

Applicant has cancelled Claims 16 and 50, without prejudice. Applicant has amended Claims 1, 17, 18, 20, 21, 35, 44, 45, 51, 52, 53, 54, 55, 65, 66 and 68. Consequently, Claims 1 to 15, 17 to 49 and 51 to 68 remain in the Application.

REJECTION OF CLAIMS 1 to 15 and 17 to 68 UNDER 35 U.S.C.

112

The Examiner rejected Claims 1 to 15 and 17 to 68 under 35 U.S.C. 112, second paragraph.

Applicant has cancelled Claims 16 and 50, without prejudice. Applicant has amended Claims 1, 17, 18, 20, 21, 35, 51, 52, 54, 55, 65, 66 and 68.

Support for the amendments to Claims 1, 17, 18, 20, 21, 35, 51, 52, 54, 55, 65, 66 and 68 is found, for example, in: Claims 16 and 50 as filed; paragraphs [0018] and [0019] at pages 14 and 15 of Applicant's Specification; and Applicant's FIG.6 as filed.

In light of the Amendments to Claims 1, 17, 18, 20, 21, 35, 51, 52, 54, 55, 65, 66 and 68, Applicant respectfully requests the Examiner withdraw the rejection of Claims 1 to 15 and 17 to 68 under 35 U.S.C. 112, second paragraph.

foregoing tenet means that a *prima facie* case of obviousness has not been made. In short, the text above does not support the Examiner's assertion that a computer program or "software" is not patentable.

In light of the discussion above, and the amendment to Claim 21, Applicant respectfully requests the Examiner to withdraw the rejection of Claim 21 under 35 U.S.C. 101

**ALLOWABLE SUBJECT MATTER**

The Examiner indicated Claims 1 to 68 would be allowable if amended to overcome the 35 U.S.C. 112, second paragraph and 35 U.S.C. 101 rejections.

In light of the amendments discussed above, and the Examiner's comments, Applicant respectfully requests allowance of Claims 1 to 15, 17 to 49 and 51 to 68.

**CONCLUSION**

For the foregoing reasons, Applicants respectfully request allowance of all pending claims.

If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicants.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 10, 2006.

  
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Attorney for Applicants

April 10, 2006  
Date of Signature

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